

**DELAWARE AUTHORITY ON RADIATION PROTECTION**  
**SUMMARY OF MEETING**  
April 12, 2010  
Division of Public Health  
Jesse Cooper Building  
Dover, Delaware

Members Present: (those with checks only)

R. Arm	√	F. Fisher-Tyler	√	N. Melikechi	√
R. Elliott		W. Holden	√	R. Subramanyam	√
F. Esposito	√	D. Irwin		D. Tilton	√
L. Fox	√	C. Krikelis		E. De Whitt	
R. Frelick	√	T. May	√		

Others Present:

R. Brinsfield	√	L. Simpson	√
N. Henry	√	M. Brennan	√

Authority Chairman N. Melikechi called the meeting to order at 6:15 pm and started the meeting with introductions to welcome visitors M. Brennan from Bay Health Medical Center and L. Simpson from Christiana Care Health Systems.

**I. AGENDA ADOPTED**

Dr. Arm moved to approve the agenda as amended, Dr. Esposito seconded, and all members voted in favor of accepting. The motion was approved.

**II. MINUTES**

Dr. Arm moved to approve minutes of the March 15, 2010 Authority meeting, Dr. Esposito seconded, and all members voted in favor of accepting. The motion was approved.

**III. CHAIRMAN'S COMMENTS**

Dr. Melikechi thanked all members for their service on the Authority and indicated that work is continuing on By-Laws and Communications for the Authority. He reported that efforts were underway to renew appointments for himself, Dr. Esposito, and W. Holden, and identify a candidate to fill the Sussex County Authority seat vacated by S. Moody on July 1, 2009. He also indicated that a brief training session would be held at the September 2010 meeting on Ethics in State Government, by a representative from the Public Integrity Commission.

#### **IV. OFFICE OF RADIATION CONTROL (ORC)**

F. Fisher-Tyler provided updates on a number of ORC Program activities, including status of the hiring process to fill the vacant inspector position, recent focus on options to reduce the inspection back log in the short and longer term, and an information technology contract for increasing functionality of the ORC database.

R. Brinsfield reviewed ORC monitoring reports, certificates of approval issued to new facilities, new and renewal certificates for radiation technologists and technicians, and a report on violations issued during inspections of x-ray facilities for 2010 YTD.

#### **V. OLD BUSINESS**

Dr. Melikechi reported that old business would be addressed in the Committee Reports.

#### **VI. COMMITTEE REPORTS**

##### **A. Budget/Long-Range Planning**

F. Fisher-Tyler indicated that a meeting was scheduled for Dr. Melikechi and Dr. Rattay, to discuss radiation machine inspection backlogs and resource sustainability issues.

**ACTION ITEM: Hold meeting with DPH Director, Dr. Melikechi**

##### **B. Certification**

Chair L. Fox indicated that the Certification Committee will review a request from ISCD to be recognized as a national credential in bone densitometry, in 2010.

**ACTION ITEM: Review ISCD request for recognition under the Radiation Technologist/Technician Regulations, L. Fox.**

##### **C. Inspection**

Committee Chair W. Holden reported that the Committee would continue to work with ORC on plans to amend the Delaware Radiation Control Regulations, last amended in July, 2002.

**ACTION ITEM: Continue to monitor review of the radiation control regulations, W. Holden.**

##### **D. Radon**

Chair Dr. F. Esposito indicated that there was nothing to report.

## **E. Low-Level Radioactive Waste (LLRW)**

Chair E. DeWhitt was not present. F. Fisher-Tyler reported that a survey of Class B & C Waste is underway, in partnership with the Appalachian States Commission for LLRW, and is anticipated to be completed by June 2010.

## **F. Legislative Liaisons**

Chair D. Irwin was not present. F. Fisher-Tyler indicated there was nothing to report.

## **VII. NEW BUSINESS**

Dr. Melikechi reported that a By-Laws Task Force has been established to develop by-laws for the Authority on Radiation Protection, to comply with language in Senate Bill 108, passed into law in 2008. He indicated that R. Elliott will chair the committee, and C. Krikelis, W. Holden, and Dr. Arm will serve on the task force as members. He also announced his intent to establish a Communications Committee to develop a webpage to provide a public forum for information about the Authority and its activities. He indicated that the committee is still in the early planning stages.

Michelle Brennan from Bay Health Medical Center presented a proposal to conduct Healing Arts Screening for purposes of analyzing body composition using bone densitometry procedures as an aide in weight loss and athletic peak performance training programs, without a physicians order. The Delaware Radiation Control Regulations allow for diagnostic or therapeutic medical use of ionizing radiation, and require a physicians order (prescription) and further, require that permitted facilities request an exemption or variance from the regulations if radiation is to be administered for screening (non-diagnostic or non-therapeutic) purposes. The Division of Public Health can grant an exemption from the regulations when there is a recognized standard in existence. The Authority on Radiation Protection can issue a variance when: the extent of the variation is clearly specified and it is documented to the Authority's satisfaction that such variation is necessary to obtain a beneficial use by the owner/manager of an existing facility and appropriate alternative measures have been taken to protect the health and safety of the public from ionizing radiation and assure that the purpose of the provisions from which the variation is sought will be observed. The Authority asked many questions of the presenter, including whether the procedure would be covered by health insurance, who the target audience would be, whether a doctor's order would be required, whether the x-ray would be read by a radiologist, to whom the scan result would be given to, whether this technique would improve health outcomes, whether any other states have approved a conditional variance for this purpose, how low the "low dose scan" is in millicuries, how the number of tests for any individual would be controlled, and whether there are any American College of Radiology (ACR) white papers on use of x-ray devices for this purpose. Ms. Brennan thanked the Authority for their interest in her proposal, and indicated she would be back in touch after doing additional research.

L. Simpson from Christiana Care Health Systems made an informational presentation on current efforts underway in a number of states to establish state licensure for Medical Physicists who perform therapeutic medical physics (primarily radiation therapy for cancer). He reviewed efforts underway by the Conference of Radiation Control Program Directors (CRCPD) to analyze how various states regulate such radiation service providers, through registration or actual licensure. He suggested that the Authority on Radiation Protection consider reaching out to the Division of Professional Regulation to determine feasibility of pursuing state licensure and referred to resources of the American Association of Physicists in Medicine (AAPM), which is working in partnership with CRCPD on these efforts. At the core of this initiative are concerns about recent medical events, where patients were overexposed to radiation, treatment was given to the wrong body part, wrong side of the body, or the wrong patient. He reported that such cases are Sentinel Events under Joint Commission criteria, and there has been widespread coverage in the media to cases involving overexposure to radiation during brain perfusion studies in California, and medical events involved with brachytherapy cancer treatment at the VA Hospital in Philadelphia, as well as cases in New York and New Jersey. Mr. Simpson reported that medical event cases have been reported extensively in an investigative series by the New York Times in 2009-2010 and there have been hearings in congress about the medical use of radiation.

#### **VIII. PUBLIC COMMENTS**

There were no public comments submitted.

#### **IX. ADJOURNMENT**

Dr. Arm moved to adjourn the meeting, Dr. Tilton seconded and all voted to accept. The motion was approved.

Authority meetings are scheduled for the following Mondays in 2010: September 13 & November 18, at a location to be announced.

Respectfully submitted,

Frieda Fisher-Tyler, Administrator  
Office of Radiation Control  
Executive Secretary  
Authority on Radiation Protection